



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,571	01/26/2001	Ahmad Tawil	016295.0635	7613

7590  
Khannan Suntharam  
Baker Botts L.L.P.  
One Shell Plaza  
910 Louisiana Street  
Houston, TX 77002-4995

05/18/2007

EXAMINER
----------

LEE, PHILIP C

ART UNIT	PAPER NUMBER
----------	--------------

2152

MAIL DATE	DELIVERY MODE
-----------	---------------

05/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/770,571

Applicant(s)

TAWIL ET AL.

Examiner

Philip C. Lee

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1:136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-13, 15-20, 22 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 15-20, 22 and 29-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2152

1. This action is responsive to the amendment and remarks filed on February 12, 2007.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/12/07 has been entered.
3. Claims 1-5, 7-13, 15-20, 22 and 29-33 are presented for examination and claims 6, 14, 21, 23-28 and 34 are cancelled.
4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

*Claim Rejections – 35 USC 101*

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 16-20, 22 are rejected under 35 U.S.C. 101 because “A method for managing a port login performed by a host bus adapter for a host...” giving its broadest interpretation can be considered as a “software program for managing a port login performed by a host bus adapter for a host...” and it does not produce a useful, concrete and tangible result.

*Claim Rejections – 35 USC 103*

7. Claims 1-3, 5, 7-8, 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunlock, U.S. Patent 6,606,630 (hereinafter Gunlock) in view of Blumenau et al, U.S. Patent 6,931,440 (hereinafter Blumenau), and further in view of Blumenau et al, U.S. Patent Application Publication 2002/0083339 (hereinafter Blumenau et al).
8. Gunlock, Blumenau and Blumenau et al were cited in the previous office action.
9. As per claim 1, Gunlock taught the invention substantially as claimed comprising:
  - a high speed network interconnect (col. 6, lines 17-26; fig. 1) ;
  - multiple target devices coupled to the high speed network interconnect, wherein each target device has a unique hardware address (fig. 1; col. 6, lines 17-26; col. 8, lines 13-25);
  - multiple host devices, wherein each host device comprises a host bus adapter operable to perform a port login with a target device (col. 4, lines 58-63; col. 6, lines 32-48; col. 8, lines 25-27); and
  - a unique hardware address table stored in a memory location accessible by each host bus adapter (col. 6, lines 40-43), wherein the unique hardware address table stores the unique hardware address of every target device that each respective host is to access (col. 9, lines 54-62; col. 8, lines 13-27, 38-47).

10. Gunlock did not teach not attempting to perform a port login with a target device unless the unique hardware address of that target device is present on the unique hardware address table. Blumenau taught a similar system wherein a centralized unique hardware address table separate from each host bus adapter (col. 16, lines 3-14) and wherein a unique hardware address of a target device must be present in a unique hardware address table to perform a port login with the target device (col. 16, lines 3-14) (i.e., a device cannot attempt to perform a port login unless the device obtain the unique hardware address (e.g., port's ID) of a target device from a directory. Therefore, the unique hardware address of the target device must be present in the directory.).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock and Blumenau because Blumenau's teaching of a unique hardware address must be present in order to perform port login would increase the reliability in Gunlock's system by allowing a component of the computer system (e.g., host bus adapter) to access to the correct target device (e.g., logical volume) (col. 12, lines 25-31).

12. Gunlock and Blumenau did not teach the unique hardware address table stores the unique hardware address of authorized target devices. Blumenau et al taught a centralized unique hardware address table (page 3, paragraph 22), wherein the unique hardware address table stores the unique hardware address of every target device that each respective host is authorized to access (page 5, paragraphs 41, 44 and 45).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock, Blumenau and Blumenau et al because Blumenau et al's teaching of storing the unique hardware address of every target device that each respective host is authorized to access would increase the security of Gunlock's and Blumenau's systems by preventing a host device from accessing target device without authorization (page 7, paragraph 56)

14. As per claim 2, Gunlock, Blumenau and Blumenau et al taught the invention substantially as claimed in claim 1 above. Gunlock further taught wherein the unique hardware address is a port name (col. 8, lines 21-25).

15. As per claim 3, Gunlock, Blumenau and Blumenau et al taught the invention substantially as claimed in claims 1 above. Gunlock further taught wherein the unique hardware address is a node name (col. 8, lines 21-25).

16. As per claim 5, Gunlock, Blumenau and Blumenau et al taught the invention substantially as claimed in claim 1 above. Gunlock further taught wherein at least one target device is a storage device (col. 6, lines 17-24; col. 7, lines 19-20).

Art Unit: 2152

17. As per claims 7 and 8, Gunlock, Blumenau and Blumenau et al taught the invention substantially as claimed in claim 1 above. Gunlock further taught wherein the high speed network interconnect is a high speed optical network interconnect (col. 6, lines 17-21).

18. As per claim 29, Gunlock taught the invention substantially as claimed comprising:  
a memory ( col. 6, lines 40-43);  
a unique hardware address table stored in a memory and accessible by the host bus adapter(col. 6, lines 40-43), operable to contain one or more unique hardware address corresponding to one or more target device with which the host bus adapter is to access(col. 9, lines 54-62; col. 8, lines 13-27).

19. Gunlock did not specifically teach attempting to perform a port login. Blumenau taught a similar system wherein a centralized unique hardware address table separate from each host bus adapter (col. 16, lines 3-14) and wherein a unique hardware address of a target device must be present to perform a port login with the target device (col. 16, lines 3-14) (i.e., a device cannot attempt to perform a port login unless the device obtain the unique hardware address (e.g., port's ID) of a target device from a directory. Therefore, the unique hardware address of the target device must be present in the directory.).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock and Blumenau because Blumenau's teaching of a unique hardware address must be present in order to perform port login would increase the

Art Unit: 2152

reliability in Gunlock's system by allowing a component of the computer system (e.g., host bus adapter) to access to the correct target device (e.g., logical volume) (col. 12, lines 25-31).

21. Gunlock and Blumenau did not teach the unique hardware address table stores the unique hardware address of authorized target devices. Blumenau et al taught a centralized unique hardware address access table (page 3, paragraph 22), operable to contain one or more unique hardware addresses corresponding to one or more target devices with which the host bus adapter is authorized to access (page 5, paragraphs 41, 44 and 45).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock, Blumenau and Blumenau et al because Blumenau et al's teaching of storing unique hardware address corresponding to one or more target devices with which the host bus adapter is authorized to access would increase the security of Gunlock's and Blumenau's systems by preventing a host device from accessing target device without authorization (page 7, paragraph 56).

23. As per claim 30, Gunlock, Blumenau and Blumenau et al taught the invention substantially as claimed in claim 29 above. Gunlock further taught wherein the unique hardware address is a port name (col. 8, lines 21-25).



Art Unit: 2152

24. As per claim 31, Gunlock, Blumenau and Blumenau et al taught the invention substantially as claimed in claim 29 above. Gunlock further taught wherein the unique hardware address is a node name (col. 8, lines 21-25).

25. As per claim 33, Gunlock, Blumenau and Blumenau et al taught the invention substantially as claimed in claim 29 above. Gunlock further taught wherein the target device is a storage device (col. 6, lines 17-24; col. 7, lines 19-20).

26. Claims 16-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunlock, Blumenau (6,931,440) and Blumenau et al, U.S. Patent 6,665,714 (hereinafter Blumenau et al, 6,665,714) in view of Blumenau et al (2002/0083339).

27. Blumenau et al, U.S. Patent 6,665,714 was cited in the last office action.

28. As per claim 16, Gunlock taught the invention substantially as claimed for managing a port login performed by a host bus adapter for a host that is communicatively coupled to a fabric, wherein one or more target devices, each having a unique hardware address, are coupled to the fabric (fig. 1, lines 17-26; col. 8, lines 13-25); comprising the steps of:

storing the unique hardware address of selected target devices to a unique hardware address access table (col. 9, lines 37-40, 54-62).

Art Unit: 2152

29. Gunlock did not teach not attempting to perform a port login with a target device unless the unique hardware address of that target device is present on the unique hardware address table. Blumenau taught a similar system comprising the step of: storing the unique hardware address of selected target device to a centralized unique hardware address access table (col. 16, lines 3-28) wherein a unique hardware address of a target device must be present in a unique hardware address table to perform a port login with the target device (col. 16, lines 3-14) (i.e., a device cannot attempt to perform a port login unless the device obtain the unique hardware address (e.g., port's ID) of a target device from a directory. Therefore, the unique hardware address of the target device must be present in the directory.).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock and Blumenau because Blumenau's teaching of a unique hardware address must be present in order to perform port login would increase the reliability in Gunlock's system by allowing a component of the computer system (e.g., host bus adapter) to access to the correct target device (e.g., logical volume) (col. 12, lines 25-31).

31. Gunlock and Blumenau did not teach querying for available target devices. Blumenau et al (6,665,714) taught from the host bus adapter, querying the fabric for available target devices; receiving at the host bus adapter an identification of available target devices (col. 6, lines 62-col. 7, line 12; col. 8, lines 35-36; col. 21, lines 67-col. 22, lines 14); and selecting target devices that may be accessed by the host from the identification of available target devices (col. 22, lines 14-20).

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock, Blumenau and Blumenau et al (6,665,714) because Blumenau et al's (6,665,714) method of querying the fabric for available target devices would increase the efficiency of Gunlock's and Blumenau's systems by avoiding login attempt to unavailable target devices by the host.

33. Gunlock, Blumenau and Blumenau et al (6,665,714) did not explicitly teach target devices which the host bus adapter is authorized to access. Blumenau et al (2002/0083339) taught unique hardware address of every target device that each respective host is authorized to access (page 5, paragraphs 41, 44 and 45).

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock, Blumenau, Blumenau et al (6,665,714) and Blumenau et al (2002/0083339) because Blumenau et al's (2002/0083339) teaching of storing the unique hardware address of every target device that each respective host is authorized to access would increase the security of Gunlock's, Blumenau's and Blumenau et al (6,665,714) systems by preventing a host device from accessing target device without authorization (page 7, paragraph 56).

Art Unit: 2152

35. As per claim 17, Gunlock, Blumenau, Blumenau et al (6,665,714) and Blumenau et al (2002/0083339) taught the invention substantially as claimed in claim 16 above. Gunlock further taught wherein the unique hardware address is a port name (col. 8, lines 21-25).

36. As per claim 18, Gunlock, Blumenau, Blumenau et al (6,665,714) and Blumenau et al (2002/0083339) taught the invention substantially as claimed in claim 16 above. Gunlock further taught wherein the unique hardware address is a node name (col. 8, lines 21-25).

37. As per claim 19, Gunlock, Blumenau, Blumenau et al (6,665,714) and Blumenau et al (2002/0083339) taught the invention substantially as claimed in claim 16 above. Blumenau et al (6,665,714) further taught wherein the unique hardware address is a World-Wide Name (col. 6, lines 65-67; col. 22, lines 4-11).

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock, Blumenau, Blumenau et al (6,665,714) and Blumenau et al (2002/0083339) because Blumenau et al's (6,665,714) teaching of World-Wide Name would enhance their systems by providing a unique identification for identifying each storage device (col. 22, lines 7-11).

39. As per claim 20, Gunlock, Blumenau, Blumenau et al (6,665,714) and Blumenau et al (2002/0083339) taught the invention substantially as claimed in claim 16 above. Gunlock

Art Unit: 2152

further taught wherein the target device is a storage device (col. 6, lines 17-24; col. 7, lines 19-20).

40. As per claim 22, Gunlock, Blumenau, Blumenau et al (6,665,714) and Blumenau et al (2002/0083339) taught the invention substantially as claimed in claim 16 above. Gunlock further taught wherein the high speed network interconnect is a high speed optical network interconnect (col. 6, lines 17-21).

41. Claims 4, 9-13, 15 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunlock, Blumenau and Blumenau et al (2002/0083339) in view of Blumenau et al, U.S. Patent 6,665,714 (hereinafter Blumenau et al, 6,665,714).

42. As per claims 4 and 32, Gunlock, Blumenau and Blumenau et al (2002/0083339) taught the invention substantially as claimed in claims 1 and 29 above. Gunlock, Blumenau and Blumenau et al (2002/0083339) did not explicitly teach the unique hardware address is a World-Wide Name. Blumenau et al, 6,665,714, taught wherein the unique hardware address is a World-Wide Name (col. 6, lines 65-67; col. 22, lines 4-11).

43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock, Blumenau, Blumenau et al (2002/0083339) and Blumenau et al (6,665,714) because Blumenau et al's (6,665,714) teaching of World-Wide Name

Art Unit: 2152

would enhance Gunlock's, Blumenau's and Blumenau et al's (2002/0083339) systems by providing a unique identification for identifying each storage device (col. 22, lines 7-11).

44. As per claim 9, Gunlock taught the invention substantially as claimed for managing the port login performed by a host bus adapter for a host that is communicatively coupled to a fabric, wherein one or more target devices, each having a unique hardware address, are coupled to the fabric (fig. 1, lines 17-26; col. 8, lines 13-25) comprising:

determining whether the unique hardware address of an available target device is present on a unique hardware address table stored in a memory location accessible by the host bus adapter, wherein the unique hardware address table contains the unique hardware addresses of each target device that the host is to access (col. 8, lines 13-27; col. 6, lines 37-42).

45. Gunlock did not teach performing a port login with target device whose unique hardware address is present. Blumenau taught a similar system wherein a centralized unique hardware address table separate from each host bus adapter (col. 16, lines 3-14), wherein the unique hardware address table stores unique hardware address of a target device must be present to perform a port login with the target device (col. 16, lines 3-14) (i.e., a device cannot attempt to perform a port login unless the device obtain the unique hardware address (e.g., port's ID) of a target device from a directory. Therefore, the unique hardware address of the target device must be present in the directory.), and performing a port login with each target device whose unique hardware address is present on the unique hardware address table (col. 16, lines 3-15).

Art Unit: 2152

46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock and Blumenau because Blumenau's teaching of a unique hardware address must be present in order to perform port login would increase the reliability in Gunlock's system by allowing a component of the computer system (e.g., host bus adapter) to access to the correct target device (e.g., logical volume) (col. 12, lines 25-31).

47. Gunlock and Blumenau did not teach the unique hardware address table stores the unique hardware address of authorized target devices. Blumenau et al (2002/0083339) taught a centralized unique hardware address access table (page 3, paragraph 22), contains the unique hardware addresses of each target device that the host is authorized to access (page 5, paragraphs 41, 44 and 45).

48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock, Blumenau and Blumenau et al (2002/0083339) because Blumenau et al's (2002/0083339) teaching of storing unique hardware address corresponding to one or more target devices with which the host bus adapter is authorized to access would increase the security of Gunlock's and Blumenau's systems by preventing a host device from accessing target device without authorization (page 7, paragraph 56).

49. Gunlock, Blumenau and Blumenau et al (2002/0083339) did not teach querying for available target devices. Blumenau et al, 6,665,714, taught from the host bus adapter, querying the fabric for available target devices and receiving at the host bus adapter an identification of

Art Unit: 2152

available target devices (col. 6, lines 62-col. 7, line 12; col. 8, lines 35-36; col. 21, lines 67-col. 22, lines 14).

50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gunlock, Blumenau, Blumenau et al (2002/0083339) and Blumenau et al, 6,665,714 because Blumenau et al's (6,665,714) method of querying the fabric for available target devices would increase the efficiency of Gunlock's, Blumenau's and Blumenau et al's (2002/0083339) systems by avoiding login attempt to unavailable target devices by the host.

51. As per claim 10, Gunlock, Blumenau, Blumenau et al (2002/0083339) and Blumenau et al (6,665,714) taught the invention substantially as claimed in claim 9 above. Gunlock further taught wherein the unique hardware address is a port name (col. 8, lines 21-25).

52. As per claim 11, Gunlock, Blumenau, Blumenau et al (2002/0083339) and Blumenau et al (6,665,714) taught the invention substantially as claimed in claim 9 above. Gunlock further taught wherein the unique hardware address is a node name (col. 8, lines 21-25).

53. As per claim 12, Gunlock, Blumenau, Blumenau et al (2002/0083339) and Blumenau et al (6,665,714) taught the invention substantially as claimed in claim 9 above. Blumenau et al (6,665,714) further taught wherein the unique hardware address is a World-Wide Name (col. 6, lines 65-67; col. 22, lines 4-11).



54. It would have been obvious to one of ordinary skill in the art at the Blumenau et al (2002/0083339) et al and Blumenau et al (6,665,714) because Blumenau et al's (6,665,714) teaching of World-Wide Name would enhance Gunlock's, Blumenau's and Blumenau et al's (2002/0083339) systems by providing a unique identification for identifying each storage device (col. 22, lines 7-11).

55. As per claim 13, Gunlock, Blumenau, Blumenau et al (2002/0083339) and Blumenau et al (6,665,714) taught the invention substantially as claimed in claim 9 above. Gunlock further taught wherein the target device is a storage device (col. 6, lines 17-24; col. 7, lines 19-20).

56. As per claim 15, Gunlock, Blumenau, Blumenau et al (2002/0083339) and Blumenau et al (6,665,714) taught the invention substantially as claimed in claim 9 above. Gunlock further taught wherein the high speed network interconnect is a high speed optical network interconnect (col. 6, lines 17-21).

57. Applicant's arguments with respect to claims 1-5, 7-13, 15-20, 22 and 29-33, filed 2/12/07, have been considered but are not persuasive.

58. In the remarks, applicant argued that:

- (1) The invention was conceived before the filing date of Blumenau et al (2002/0083339), December 22, 2000.

(2) The applicants and their counsel were diligent with respect to constructively reducing the invention to practice from a time just prior to December 22, 2000 to the filing date of this application on January 26, 2001.

(3) The cited prior arts fail to teach a unique hardware address table which holds the unique hardware addresses of target device that each respective host is authorized to access.

59. In response to points (1) and (2), the declaration under 37 CFR 1.131, filed January 8, 2007 is insufficient to overcome the reference of Blumenau et al (2002/0083339) as set forth in the last office action mailed on August 8, 2006 because it fails to establish conception coupled with due diligence.

I. General Considerations.

a. See MPEP § 715.07(a). Where conception occurs prior to the date of the reference, but reduction to practice is afterward, it is not enough merely to allege that applicant or patent owner had been diligent. *Ex parte Hunter*, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889). Rather, applicant must show evidence of facts establishing diligence.

b. See also MPEP § 2138.06. The diligence of attorney in preparing and filing patent application inures to the benefit of the inventor. Conception was established at least as early as the date a draft of a patent application was finished by a patent attorney on behalf of the inventor. Conception is less a matter of signature than it is one of disclosure. Attorney does not prepare a patent application on behalf of particular named persons, but on behalf of the true inventive entity. Six days to execute and file application is acceptable. *Haskell v. Coleburne*, 671 F.2d 1362, 213 USPQ 192, 195 (CCPA 1982). See also *Bey v. Kollonitsch*, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986) (Reasonable diligence is all that is required of the attorney. Reasonable diligence is established if attorney worked reasonably hard on the application during the continuous critical period. If the attorney has a reasonable backlog of unrelated cases which he takes up in chronological order and carries out expeditiously, that is sufficient. Work on a

related case(s) that contributed substantially to the ultimate preparation of an application can be credited as diligence.).

## II. Conception coupled with diligence.

Applicant attempts to establish prior invention by showing Conception with diligence of the invention just prior to December 22, 2000, the filing date of Blumenau et al (2002/0083339). In paragraph 2 of the declaration of Dale Duty, applicant refers to an invention disclosure form No. DC-02668. In particular paragraph 2 states:

- a) As indicated by the date-stamp in the upper right hand corner, this invention disclosure was received by Dell's invention disclosure system on September 13, 2000.
- b) On October 6, 2000, the DC-02608 invention disclosure was approved by Dell for the preparation of a patent application. On November 9, 2000, the invention disclosure was submitted by Dell to the law firm Baker Botts L.L.P. for the preparation of a patent application.

In paragraphs 2 and 3 of the declaration of Roger Fulghum states:

- a) This invention disclosure was received by Baker Botts on November 9, 2000 for the preparation of a patent application.
- b) In December of 2000 and January of 2001, Baker Botts researched the prior art related to the invention and prepared the patent application concerning the DC-02668 invention disclosure.
- c) On January 26, 2001, the patent application concerning the DC-02668 invention disclosure was filed with the U.S. Patent and Trademark Office.

Applicant is relying on the submitted documents which purportedly describe the invention for conception with diligence. At most, the documents may be used to support conception of an invention. They cannot establish diligence because, as noted above, a mere pleading of working diligently just prior to December 22, 2000 to the filing date of the application on January 26, 2001 is not reasonable diligence without showing evidence of facts to establish diligence.

Accordingly, Applicant has not met the burden of showing prior invention.

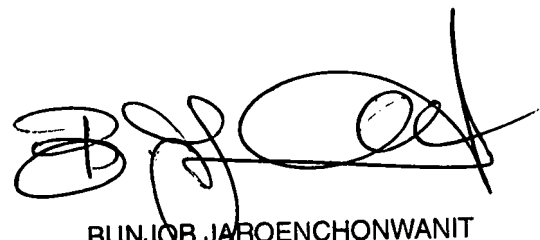
60. In response to point (3), Blumenau et al (2002/0083339) teaches a Master filter table (76, fig. 4) that hold the logical unit numbers (LUNs) referencing logical volumes that Host Bus Adapters are authorized to access (page 5, paragraph 40, 41 and 44). This means Blumenau et al

Art Unit: 2152

(2002/0083339) teaches the unique hardware address table which holds the unique hardware addresses of target device that each respective host is authorized to access.

61. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER  
8/14/07